

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
Plaintiff,

v.

JOSE RAMON HERNANDEZ,  
Defendant.

CRIM. NO. 97-228 (JAF)

**MOTION FOR MISCELLANEOUS RELIEF**

TO THE HONORABLE JOSE A. FUSTE  
UNITED STATES CHIEF JUDGE  
FOR THE DISTRICT OF PUERTO RICO

COMES NOW the Defendant, **José Ramon Hernandez**, represented by the Federal Public Defender for the District of Puerto Rico, through the undersigned counsel, and respectfully states and prays as follows:

1. On February 20, 2008, the defendant filed a *pro se* motion titled "Motion Requesting Reduction of Sentence Based on Extraordinary Post Offense and the Post Conviction Rehabilitation Efforts Pursuant to the meaning of Title 18 U.S.C. §3553 (b)". (Docket Entry, "D.E.", # 285).

2. By inadvertence or mistake such motion was designated by the Court as a "Motion for Retroactive Application of Sentencing Guidelines to Crack Cocaine Offense 18 U.S.C. 3582" (See Docket #285). Thereafter, the Probation Officer filed the Retroactivity Package, including a Motion of Recommendation. In such motion, the Probation Officer stated that this case is not a crack cocaine case, reason by which the Amendments #706 and #711, set forth in App. C of the November 1, 2007 Edition of the Sentencing Guidelines, is not applicable.

3. Based on the incorrect filing name, the case was assigned to the Federal Public

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Defender, according to the Administrative Directive filed under Misc. No. 08-31 (JAF).

4. Therefore, the undersigned requests that the *pro se* motion filed by the defendant be corrected on the Docket Report, and be entertained as requested and not as a crack reduction case.

WHEREFORE, it is respectfully requested to this Honorable Court to take notice of the aforementioned, and issue an order according to the applicable law.

I HEREBY CERTIFY that on this date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 20<sup>th</sup> day of June, 2008.

**JOSEPH C. LAWS, JR.**  
**Federal Public Defender**  
**District of Puerto Rico**

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